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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,165	07/20/2000	Balbir Singh	JJM-550	3391

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 04/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/620,165

Applicant(s)

SINGH, BALBIR

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-<sup>16</sup>~~9~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer  
199 05 520  
(3,202,066).

Palmer discloses a folding device comprising a primary roller (via <sup>11</sup>8 and <sup>14</sup>14) for receiving a material <sup>4</sup>(2) to be folded; a primary disk (via <sup>10</sup>10) in communication with the roller for creasing and folding the material as the material travels from the roller to the disk (Fig. 1). Palmer does not disclose that the primary roller and the primary disk are both free spinning. However, it would have been an obvious matter of design choice to have modified Palmer's folding device by having the primary roller and the primary disk are both free spinning, since applicant has not disclosed that the primary roller and the primary disk are both free spinning solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with using spinning roller and spinning disk as suggested by Palmer.

Regarding claims 2 and 7: the primary roller further comprises a notch (via blade portion 20 on 10).

Regarding claims 3,4, 8, and 9: Palmer discloses the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. <sup>1</sup>2).

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Regarding claim 5: Palmer discloses the primary roller is a drive roller and the primary disk is free spinning disk (Figs. 1 and 4). 103

Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (3,202,066) in view of Sato (4,635,915).

Palmer does not disclose a feeding roller nor a pair of fold rollers. However, Sato discloses a feed roller <sup>218 23</sup>(1) and a pair of folding rollers <sup>27</sup>(11) in order to create a folder (column 4, lines 1-3).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified Palmer's folding device by having a feeding roller and a pair of fold rollers, as suggested by Sato, in order to create a folder.

Regarding claim 11: Palmer discloses the primary roller further comprises a notch (via blade portion <sup>F.1</sup>20-on 10).

Regarding claims 12 and 13: Palmer discloses the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. 2).

Regarding claim 14: Palmer discloses the primary roller is a drive roller and the primary disk is free spinning disk (Figs. 1 and 4). 103

### ***Response to Arguments***

Applicant's arguments filed 3/12/2002 have been fully considered but they are not persuasive.

Applicant argues in page 3 of the argument that claim one as amended requires roller and disk be free spinning. The examiner believes as set forth in the action it is only a matter of engineering design choice to have the roller and disk be free spinning or not, since applicant has

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not disclosed that the primary roller and the primary disk are both free spinning solves any stated problem or is for any particular purpose.

In response to applicant's argument in page 4 of the argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references are directing to a folding apparatus.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST  
April 10, 2002



**Rinaldi I. Rada**  
**Supervisory Patent Examiner**  
**Group 3700**